



**THE ATTORNEY GENERAL  
OF TEXAS**

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**ATTORNEY GENERAL**

**AUSTIN, TEXAS 78711**

February 12, 1970

Hon. Criss Cole, Chairman  
The Committee for the Study  
of Land Use and Environ-  
mental Control  
Senate Chamber, Capitol Station  
Austin, Texas 78711

Opinion No. M-572

Re: Whether a State Senator  
who has been elected  
Chairman of a Legisla-  
tive Committee may con-  
tinue to serve as Chair-  
man until the next  
Regular Session although  
he does not file for re-  
election.

Dear Senator Cole:

The Committee for the Study of Land Use and Environ-  
mental Control, as reconstituted by Senate Concurrent Resolu-  
tion No. 46, has requested an opinion as to whether Senator  
Criss Cole, a State Senator who has not offered himself for  
re-election, can continue to serve as the duly elected Chair-  
man of said interim Legislative Committee from the present  
time and until the next Regular Session of the 62nd Legis-  
lature.

S.C.R. No. 46, omitting its formal parts, determines  
the nature and power of this important committee. It pro-  
vides, in part, for eleven members with three of these to  
be State Senators, as follows:

\* \* \* \* \*

"RESOLVED, By the Senate of the State  
of Texas, the House of Representatives con-  
curring, that the Committee for the Study  
of Land Use and Environmental Control be  
reconstituted:

(1) The Lieutenant Governor, the Speaker of the House, and the Governor of Texas shall appoint members to the Committee as follows: Three Representatives to be appointed by the Speaker of the House, three Senators to be appointed by the Lieutenant Governor of the state, and five public members to be appointed by the Governor.

\* \* \* \* \*

RESOLVED, That the committee shall report in writing and file a signed copy of the same with the Governor of the State of Texas, the Lieutenant Governor of the State of Texas, and the Speaker of the House of Representatives of the State of Texas not later than thirty days after the convening of the next Regular Session, and that copies of such report shall be distributed to each member of the Senate and of the House."

Senator Cole is one of the three Senators appointed to serve as a Member of such reconstituted committee by the Lieutenant Governor of Texas. In addition to such senatorial membership, three House of Representative members are to serve along with five persons who are not members of the Legislature and who were appointed by the Governor of Texas.

Under the law, Senator Cole's present term as a State Senator would end on the day set by law for the convening of the Regular Session of the Legislature. Art. III, Sec. 3, Texas Constitution. This date will be the second Tuesday in January, 1971. Art. III, Sec. 5, Constitution of Texas; Art. 5422, V.C.S. Senator Cole's successor can qualify at any time thereafter.

Until the end of Senator Cole's term in the Senate, that is, until the Regular Session of the 62nd Legislature convenes, he is in all things a member of the State Senate of Texas and fully qualified to serve on the said committee and to be Chairman. After his term ends, that is, on the day the 62nd Legislature convenes, the tenure of his

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office will then continue as a hold-over Senator until his successor is duly qualified. He will then become ineligible to serve as a Member, or as the Chairman, of the aforesaid interim committee unless he is otherwise qualified as a Committee Member by new appointment of the Governor to one of the five Committee Membership seats provided for non-Legislators to occupy. This is the applicable rule, since the Legislature (S.C.R. No. 46) has prescribed such qualifications for committee membership.

S U M M A R Y

Senator Criss Cole is now qualified as a member of the Committee for the Study of Land Use and Environmental Control; he will remain qualified as such a member until the day set by law for the convening of the 62nd Legislature and thereafter until his successor in the Senate is duly qualified. At such time, he will cease to be eligible as a committee member unless otherwise qualified by a new appointment to a non-legislative place on such committee.

Yours very truly,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Roger Tyler  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

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